

1.0 Purpose

1.1 The intent of this policy is to:

- 1.1.1** provide a framework for a safe and supportive learning environment for all MGS students both Domestic and International under the age of 18 years
- 1.1.2** ensure that MGS operates within the legislative requirements for a designated non-government organisation as per Children and Young Persons (Care and Protection) Act 1998, Child Protection (Working with Children) Act 2012, the related Child Protection (Working with Children) Regulation 2013 and the Children's Guardian Act of 2019 (No. 25).
- 1.1.3** specify procedures for:
 - a.** ensuring that students who are children or young people are safe and supervised by adults who have obtained a positive Working with Children Check (WWCC) as required by the NSW Office of the Children's Guardian
 - b.** informing employees and other interested parties of child protection requirements and child safety standards
 - c.** investigating any instance of reportable conduct by an employee and reporting this conduct to the Children's Guardian
 - d.** intervening to support any child or young person at risk of harm, and the mandatory reporting to Department of Communities and Justice (DCJ)s of instances of risk of significant harm to any child.
- 1.1.4** Apply the child safe standards
 - a.** Child safety is embedded in organisational leadership, governance and culture.
 - b.** Children participate in decisions affecting them and are taken seriously.
 - c.** Families and communities are informed and involved.
 - d.** Equity is upheld, and diverse needs are taken into account.
 - e.** People working with children are suitable and supported.
 - f.** Processes to respond to complaints of child abuse are child focused.
 - g.** Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training.
 - h.** Physical and online environments minimise the opportunity for abuse to occur.
 - i.** Implementation of the Child Safe Standards is continuously reviewed and improved.
 - j.** Policies and procedures document how the organisation is child safe.

2.0 Staff Responsibilities

2.1 The PEO/Headmaster:

2.1.1 will serve as Head of Agency in representing MGS on child protection issues and in communication with external child protection agencies

2.1.2 is responsible for the implementation of this policy and its procedures

2.2 The Admissions and Homestay Officer is responsible for ensuring that providers of Guardianship and Homestay services have undertaken the required WWCC

2.3 The Director of Welfare and Operations and the Counsellor is responsible for the provision of individual welfare support to individual students or their parent / guardian in the event of any critical incident that may occur

2.4 Employees are required to report:

2.4.1 any alleged reportable conduct they become aware of to the PEO/Headmaster or the Director of Welfare and Operations or delegate

2.4.2 any instance of child abuse or neglect they become aware of to the PEO/Headmaster or Director of Welfare and Operations.

3.0 Requirements

3.1 Meeting legislative requirements

3.1.1 The PEO/Headmaster will ensure that legislative and policy requirements are met including:

3.1.1.1 the Children's Guardian Act 2019

3.1.1.2 the Child Protection (Working with Children) Act 2012

3.1.1.3 The Structured Decision-Making System - Mandatory Reporter Guide
(NSW Department of Human Services, 2009)

3.1.1.4 the Child Protection (Prohibited Employment) Act 1998

3.1.1.5 the Children and Young Persons (Care and Protection) Act 1998

3.1.1.6 the Freedom of Information Act 1989

3.1.1.7 Privacy Amendment (Private Sector Act 2000)

3.1.1.8 the requirements stated in the Registered and Accredited Individual Non-Government School (NSW) Manual (NESA, Teaching & Educational Standards NSW)

3.1.1.9 the NSW Interagency Guidelines for Child Protection Intervention 2000

3.2 Working with Children Checks

3.2.1 The PEO/Headmaster will ensure that:

3.2.1.1 all adults who are engaged in child related employment at MGS (including teachers, ancillary and support staff, Homestay providers, guardians, guardianship companies and volunteers) apply for and receive a positive Working With Children Check (WWCC) pre-employment check before

commencing employment or acting on behalf of MGS (refer to **024-PP-MGS Working with Children Check policy** for further details)

3.2.1.2 prior to appointment all employees provide to the employer a WWCC number and it's verified by Accounts for clearance to work with children

3.2.1.2.1 no employee, consultant, contractor, student or volunteer may participate in child related employment within MGS without a positive WWCC

3.2.1.3 any person who has committed a child-related offence(s) will not be engaged in child related employment or activities in any capacity

3.2.1.4 employee participation in child related employment will be disallowed if:

3.2.1.4.1 a negative notice has been obtained

3.2.1.4.2 the employee becomes a prohibited person, or

3.2.1.4.3 if an employee does not have a WWCC.

3.2.1.5 the applicant's original identity documents must amount to 100pts of I.D as per the **408-CT-MGS Proof of Identity for Working with Children Check** guidelines

3.2.1.6 any advice provided by the NSW Advocate for Children and Young People and the Children's Guardian in any decision regarding the employment of any position applicant will be acted upon.

3.3 Staff training in child protection

3.3.1 The PEO/Headmaster will ensure that:

3.3.1.1 all employees are updated annually (at the first staff meeting of each year or as they are employed by MGS during the year) and at Staff Meetings throughout the year by the Director of Welfare and Operations during induction on:

3.3.1.1.1 child protection legislation

- Every staff meeting student welfare is discussed and this inherently defines and describes incorporates child protection issues. These are made clear to all staff members on the occasions of the discussion of child protection.
- Implementation of the child protection legislation is constantly administered through the welfare structures in the school, staff are constantly reminded to adopt and adhere to child protection legislation through school policy and procedure.

3.3.1.1.2 mandatory reporting requirements

- Issues such as mandatory reporting and student welfare issues pertaining to child protection and the home environment are frequently discussed with Child Protection legislative requirements including

Children's Standards as outlined and implemented in regard to specific student welfare cases.

3.3.1.1.3 reportable conduct

- must be reported and will be investigated

3.3.1.1.4 the identification of children at risk, particularly in relation to young people.

- Staff are brought up to date with policy through collegial discussion and implementation of legislation throughout the year in dealing with welfare issues that arise within the school or externally from the school. All correspondence action and resolution of issues are adherent to the specific legislation on child protection.

3.3.1.1.5 Staff undertake an online child protection course at the beginning of each year.

New staff are inducted and as part of this procedure child protection policies are required to be read and signed off on this induction procedure.

3.4 Student awareness of child protection issues

3.4.1 The PEO/Headmaster will ensure that:

3.4.1.1 all students attend specific meetings held each school term by the Director of Curriculum and Compliance and weekly school assemblies in order to:

3.4.1.1.1 be informed of their rights under child protection legislation

3.4.1.1.2 be informed about the support structures, student services and counselling services available within MGS to maintain a safe learning environment

3.4.1.1.3 s/he have the opportunity to discuss with teachers and their peers issues that may be affecting their safety and wellbeing

3.4.1.1.4 s/he understand the responsibilities, roles and locations of key support staff including the Director of Welfare and Operations, Director of Curriculum and Compliance, Head Teachers, Admissions, Student Services Officers, Homestay Officer and the MGS Counsellor

3.4.1.1.5 s/he identify appropriate and inappropriate behaviours of staff members, visiting staff, homestay carers, guardians and adult students

3.4.1.1.6 s/he know the procedure for making a complaint or grievance

3.4.1.1.7 s/he know strategies for maximising safety and preventing dangerous or vulnerable situations that may occur both during and outside of school hours

3.4.1.2 the languages and cultures of international students are taken into

account in relation to the communication of child protection issues by:

3.4.1.2.1 engaging bi/multilingual teachers or admin staff at teaching staff - student information meetings (as appropriate)

3.4.1.2.2 taking into account religious and cultural beliefs and values that may impact on a student's or their parent/guardian's, perception and understanding of child protection issues

3.4.1.3 information regarding child protection is made available to employees

and students as well as other individuals and organisations with an interest in MGS's operations through:

3.4.1.3.1 the Student Handbook

3.4.1.3.2 the Staff Handbook

3.4.1.3.3 the MGS Child Protection Policy

3.4.1.3.4 the Younger Overseas Students Policy

3.4.1.3.5 the Working with Children Check Policy

3.4.1.3.6 through information available through Student Services Officer

3.5 MGS support for students, parents, homestay hosts, guardians and staff

3.5.1 The PEO/Headmaster will ensure that:

3.5.1.1 the MGS Counsellor or delegate provides advice and support to students,

guardians and employees on child protection issues and requirements on an individual basis on request

3.5.1.2 Homestay hosts, guardians and students who are in Homestay or under

the supervision of a guardian are contacted by the Student Services Officer by phone at least once per school term to monitor student progress

3.5.1.3 Homestay hosts and guardians attend a child protection update held by

MGS, or other provider, annually.

3.5.1.4 Note: Further information on Homestay requirements are described in

079-PP-MGS International Student Accommodation, Guardianship and Welfare Arrangements Policy

3.5.1.5 Teachers do homestay visitations twice per year in Terms 1 and 3.

3.6 Reportable Conduct Procedure/Action Plan

3.6.1 The PEO/Headmaster will ensure that:

3.6.1.1 allegations of reportable conduct are internally investigated by the

PEO/Headmaster (or in the event that the PEO/Headmaster has been accused of reportable conduct, a senior manager appointed by the MGS Board) in order to establish the facts pertaining to the situation and to determine appropriate actions to be taken

3.6.1.2 an immediate, confidential, objective and fair response is made to

incidents that are deemed to be reportable conduct

3.6.1.3 any employee to whom an allegation of reportable conduct is directed will

be informed of their right to appeal the process, engage a support person of their choice and be informed of the outcome of any investigation

3.6.1.4 documents existing as part of any investigation process will be kept by

the PEO/Headmaster in a secure location, separate from other employee personnel files and made available to the employee and the NSW Office of the Children's Guardian as appropriate

3.6.1.5 the NSW Office of the Children's Guardian is notified in writing within 7

..... days of any allegation of reportable conduct against an employee (either

during the course of their employment or outside their work) that constitute sexual offences, misconduct, assault, ill-treatment, neglect or behaviour that causes psychological harm to children

3.6.1.5.1 the NSW Office of the Children's Guardian will be informed within 30 days of the outcomes of any internal investigation conducted by MGS in relation to alleged reportable conduct or reportable conviction

3.7 Mandatory reporting of children at risk of harm

3.7.1 The PEO/Headmaster will ensure that:

3.7.1.1 any student at *risk of significant harm* is reported to Department of Communities and Justice (DCJ)s

through Child Protection Helpline regardless of whether they are children (under 16) or young people (16 and 17 years)

3.7.1.2 any student at *risk of harm* (not significant) will be brought to the attention

of the MGS Counsellor and an intervention (developed by the Counsellor,

Director of Welfare and Operations, Director of Curriculum and Compliance, Student Services Officer and appropriate teaching staff) put in place to reduce the risk of harm. These circumstances will not be reported to Department of Communities and Justice (DCJ)s unless the risk of harm becomes significant.

4.0 Child Protection Awareness Raising Procedure

4.1 The Director of Welfare and Operations will (at the commencement of each academic year and as new staff are employed):

4.1.1 provide (or facilitate the provision of) a staff meeting session within the first academic term each year for all employees within the school covering:

4.1.1.1 the MGS Child Protection Policy contents

4.1.1.2 pertinent NSW Office of the Children's Guardian legislative requirements

4.1.1.3 specific child protection advice pertaining to MGS students, including:

- a. preventative strategies being provided by MGS for the protection and wellbeing of students under 18
 - b. specific supervisory arrangements in relation to shared premises with adult students enrolled in MGS
 - c. actions that constitute, and do not constitute, reportable conduct
 - d. the procedure for mandatory reporting of reportable conduct
 - e. contact details of organisations in NSW that can provide further information of child protection
- 4.1.1.4** ensure each staff member signs an acknowledgement of their attendance at the session and that they understand their responsibilities in relation to child protection within MGS
- 4.1.1.5** file attendance documentation for audit purposes.

5.0 Working with Children Check Procedure (WWCC)

5.1 The Director of Welfare and Operations (or other staff members with the responsibility for staff employment) will:

- 5.1.1** ensure the completion of WWCC procedures
- 5.1.2** advise the employee that employment is conditional upon the satisfactory outcome of the Working With Children Background check.
- 5.1.3** NB: In circumstances where the preferred applicant is not immediately undertaking direct child related employment the employee may be allowed to start or continue work in a non-child-related position or under the supervision of the Director of Welfare and Operations whilst the application is in progress.

5.2 The NSW Office of the Children's Guardian will:

- 5.2.1.1** exclude people with convictions for serious sex and violence crimes
against children
- 5.2.1.2** implement background check for preferred applicants

5.3 The Director of Welfare and Operations (or other staff members with the responsibility for staff employment) will:

- 5.3.1.1** proceed with the offer of employment, or
- 5.3.1.2** notify the NSW Office of the Children's Guardian if a decision is
.. made not to employ an applicant based on the outcome of estimate of risk
- 5.3.1.3** advise the applicant via Relevant Employment proceedings –**406-LR-**
MGS Employee Advisory Letter if there are grounds for refusal of
employment.

5.4 Investigating alleged reportable conduct procedure

5.4.1 The PEO/Headmaster, or other Board member if appropriate, will:

5.4.1.1 conduct an investigation of any alleged reportable conduct identified in

accordance with the Children's Guardian guidelines – *Determining if an allegation is a reportable allegation, Child Protection in the Workplace, 2004 p.33)*

5.4.1.2 In the case where reportable conduct is deemed to have occurred, the PEO/Headmaster, or other

5.4.1.3 appropriate person, will:

5.4.1.3.1 inform the Children's Guardian in writing within 7 days of any alleged reportable conduct identified by any student, staff member or other person using **418-FM-MGS Notification Form Children's Guardian Part A**

5.4.1.3.2 inform the employee both verbally and in writing that an allegation of reportable conduct has been made, that an investigation will occur, and of their right to appeal the process or outcome of the investigation

5.4.1.3.3 make internal arrangements, if necessary, for the employee to undertake alternative employment arrangements during the investigative process

5.4.1.3.4 enable access for all parties (the student/s in question, the student/s parent/guardian, the person making the report, the alleged perpetrator/s) to the services of the MGS counsellor and/ or external counselling services if required

5.4.1.3.5 document the outcome of the investigation using **419-FM-MGS Notification Form Children's Guardian Part B**

5.4.1.3.6 inform the employee in writing of the outcome of the investigation as soon as possible after its completion

5.4.1.3.7 provide a copy of the Investigation Report to the NSW Office of the Children's Guardian

5.4.1.3.8 file the Report in a separate location from the employee's personal file.

5.5 Mandatory reporting procedure of children or young person at risk of harm

5.5.1 The staff member observing or becoming aware of a child who is at risk of harm will report the incident or circumstances immediately to their line manager or other manager

5.5.2 The Line Manager will investigate the matter through interviews with all involved and, on the basis

5.5.3 of evidence found, make a judgement as to whether the incident or circumstances presents **risk of significant harm** to the student.

5.5.4 In the case where the incident or circumstances is deemed to present **risk of significant harm** to the student, the Line Manager will:

5.5.5 verbally inform the child / young person of the intent to report the incident / circumstances to Department of Communities and Justice (DCJ)s

- 5.5.6 report the incident or circumstances to Department of Communities and Justice (DCJ)s within 24 hours through the Child Protection Helpline (133627) using the Department of Communities and Justice (DCJ)s Mandatory Reporting tool as a guide
- 5.5.7 provide the required information as guided by Department of Communities and Justice (DCJ)s including the child / young person's reaction to the report to enable Department of Communities and Justice (DCJ)s to take into account any view or wish expressed by the child / young person
- 5.5.8 work with Student Services, the counsellor and teaching staff to maintain regular contact with the child / young person and family members (direct or via telephone) until an outcome has been achieved.
- 5.5.9 Department of Communities and Justice (DCJ)s through the Child Protection Helpline will (depending on the circumstances):
 - 5.5.9.1 screen out the report if it is considered that a risk of significant harm does not exist
 - 5.5.9.2 refer the report the another agency with appropriate expertise and support programs
 - 5.5.9.3 assess the report but not refer it for ongoing services
 - 5.5.9.4 offer ongoing services / further assessment to the child / young person, other individual family members, or the family together, or arrange protective placement for the child / young person.
- 5.5.10 In the case where the incident or circumstances ***does not present risk of significant harm*** to the student, the Line Manager will seek internal assistance from:
 - 5.5.10.1 the Director of Welfare and Operations and the MGS Counsellor, and/or
 - 5.5.10.2 the Child Protection Helpline and/or
 - 5.5.10.3 other external agencies such as a family referral service, or services listed on the Department of Human Services website
 - 5.5.10.4 Note: Support provided may include assisting the child / young person in learning coping and/or assertiveness strategies to foster trust and build confidence
- 5.5.11 Where possible the concerns of the student, parents or guardian will be sought in situations where information may be shared among agencies.

6.0 **Associated documents**

- 6.1 079-PP-MGS International Student Accommodation, Guardianship and Welfare Arrangements Policy
- 6.2 024-PP-MGS Working with Children Check Policy
- 6.3 027-PP-MGS Code of Conduct
- 6.4 003-PP-MGS Student Complaints and Appeals Policy

- 6.5** 418-FM-MGS Notification Form Children's Guardian Part A
- 6.6** 419-FM-MGS Notification Form Children's Guardian Part B
- 6.7** 408-CT-MGS Proof of Identity for Working with Children Check
- 6.8** 186-PP-MGS Safe & Supportive Environment Policy

TERM	DEFINITION
Adult Person	Person 18 years of age or more
Approved Screening Agency	Agency designated to undertake Working With children Checks for personnel engaged in child regarding work activities
Agency investigation	A broad fact finding process whereby an agency carries out some form of inquiry and assessment, and possibly adjudication, in relation to an allegation against an employee.
Approved Screening Agency	A Minister appointed agency to carry out WWCC background checks
Child	Person under 16 years of age
Child-related employment	Employment that: <ul style="list-style-type: none"> - primarily involves contact with children or young people - involves direct contact with children or young people; and - contact is not directly supervised by a person who has the capacity to direct the employee as per their supervision arrangement.
Child related work settings	Schools, pre-schools, child-case centres or other educational institutions
Direct contact between adult and child	<ul style="list-style-type: none"> - physical contact; OR - talking face to face <p>Contact with children by telephone or online is not direct contact.</p>
Direct Supervision	<p>An adult who does not have a WWCC who works in a child-related employment must be <i>directly supervised</i> by a designated workplace supervisor as defined in a position description who does have a positive WWCC. To be considered '<i>directly supervised</i>' such supervision must be:</p> <ul style="list-style-type: none"> • immediate and personal • undertaken by a person who has the role of supervision during 'child-related work' as defined by the supervisor's position description. The supervisor will have a higher authority or be delegated by the organisation • not allow more than a few minutes in which the supervising officer is not in direct view of the employee
Exemptions	<p>The <u>Working With Children background check</u> is mandatory for:</p> <ul style="list-style-type: none"> • preferred applicants for paid child-related employment; • ministers, priests, rabbis, muftis or other religious leaders or

	<p>spiritual officials of religion seeking child-related employment;</p> <ul style="list-style-type: none"> • foster carers. <p>Working With Children Background checks are not available for any other employees or self-employed people. Working With Children Background checks are not available where:</p> <ul style="list-style-type: none"> • all the children with whom the person will have contact are related to the person; or • all the children with whom the person will have contact are related to the employer, and the person is related to the employer.
Designated Responsible Officer	A nominated contact officer or other authorised person who can be contacted by the approved screening agency
Employee	Person employed by MGS on a permanent, part-time or contractual basis, as well as individual or agency working on behalf of MGS.
Estimate of Risk	<p>The estimate of risk is based on three components:</p> <ul style="list-style-type: none"> • the level of risk inherent in a particular position; • the level of control an organisation has over its risks; and • the extent of caution needed in employing a particular individual. <p>The process of analysing information gathered through Working With Children background checking to estimate the level of risk a person in <u>child-related employment</u> may pose to children in the workplace. Employers are provided with the outcome of an estimate of risk in the <i>Advice to employers - results of background check letter</i>.</p>
Mandatory reporters	Mandatory reporters include those who deliver services wholly or partly to children as part of their paid or professional work. These include health care, welfare, education, children's services, residential services and law enforcement officers.
Preferred applicant	<p>Desirable candidates for a child-related position in the organisation who are:</p> <ul style="list-style-type: none"> • new to the organisation • existing employee who are desirable candidates for another child-related position in the organisation.
Reportable allegation	A reportable allegation is a written or verbal assertion or declaration describing misconduct of an employee of MGS involving a person under 18 years.
Reportable conduct	An allegation of reportable conduct against a person or an allegation of misconduct that may involve reportable conduct. Unless otherwise indicated, a reference to a reportable allegation is also a reference to a reportable conviction. Reportable conduct includes:

	<ul style="list-style-type: none"> • any sexual offence, or sexual misconduct, committed against, with, or in the presence of, a child; or • any child pornography offence or misconduct involving child pornography; or • any child-related personal violence offence; or • an offence of filming for indecent purposes committed against, with, or in the presence of, a child under section 21G or 21H of the <i>Summary Offences Act 1988</i>; or • any assault, ill-treatment or neglect of a child; or • any behaviour that causes psychological harm to a child, whether or not the child consents; or • an act of violence committed by an employee in the course of employment and in the presence of a child has occurred; or • there is some evidence that reportable conduct or an act of violence occurred, however the finding is inconclusive or there is insufficient evidence. <p>Reportable conduct does not include:</p> <ul style="list-style-type: none"> • touching a non-intimate part of a child's body to attract a child's attention, to guide or to comfort a child; • a school teacher raising his or her voice or shouting to attract attention or to restore order in the classroom; • conduct that is established to be accidental; • providing medical care to a child who is hurt; • use of reasonable physical force to disarm a child seeking to harm themselves or another; • not acting in response to a situation, such as a physical fight between children, where an employee's own safety may be put at risk; • not providing supervision where this was for good reason and in a low risk situation; and • actions found to have been appropriate physical contact in classes such as sport, drama, dance, etc.
Reportable conviction	A reportable conviction (including a finding of guilt without the court proceeding to a conviction), in NSW or elsewhere, of an offence involving reportable conduct.
Relevant employment proceeding	A relevant employment proceeding is a completed disciplinary proceeding where an employer (or professional or other body that supervises the professional conduct of the employee) has found reportable conduct occurred.
Significant harm	A child or young person is at risk of significant harm (the statutory threshold) if the circumstances that are causing concern for safety, welfare or well-being of the child or young person are present to a significant extent. "Significant" is harm that is sufficiently serious to warrant a response by a statutory authority irrespective of a family's consent.
Support person	A person over 18 years who accompanies a witness, complainant or respondent to a meeting or interview to provide support and advice. This may be a union representative.

Visitor	Any person who participates MGS child-related employment or activity as a visitor must be under direct personal supervision.
Young person	Person 16 or 17 years of age

7.0 Revision History

Rev.	Date	Description of modifications
1	16/03/2009	WWCC Policy linked to Standard 5 Younger Overseas Students Policy
2	05/02/2010	Review of policy to include the broader requirements for child protection in MGS and the renaming of the policy from "Working with Children Check Policy" to "MGS Child Protection Policy"
3	23/04/2010	Update to include NSW Board of studies amendments
4	22/05/2013	Inclusion of the Child Protection (Working with Children) Act 2012 in Requirements
5	15/04/2014	Replaced BOS with BOSTES
6	18/03/2018	Upgrade Terminology, Roles and Responsibilities
7	15/06/2018	Upgrade Terminology, Roles and Responsibilities
8	16/03/2023	Upgrade Terminology, Roles and Responsibilities and procedural steps
9	1/05/2023	Children's Guardian's responsibility no longer NSW Ombudsman, Roles and Responsibilities and procedural steps